

3-2-04

Vol. 69 No. 41

Tuesday

Mar. 2, 2004

Pages 9743–9910

1



The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, www.archives.gov.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.access.gpo.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at <code>gpoaccess@gpo.gov</code>. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the Federal Register paper edition is \$699, or \$764 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 40% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover, Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, bookstore@gpo.gov.

There are no restrictions on the republication of material appearing in the  ${\bf Federal\ Register.}$ 

**How To Cite This Publication:** Use the volume number and the page number. Example: 69 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

### SUBSCRIPTIONS AND COPIES

#### PUBLIC

### **Subscriptions:**

Paper or fiche 202–512–1800
Assistance with public subscriptions 202–512–1806

General online information 202–512–1530; 1–888–293–6498

Single copies/back copies:

Paper or fiche
Assistance with public single copies
202–512–1800
1–866–512–1800
(Toll-Free)

# FEDERAL AGENCIES

### **Subscriptions:**

Paper or fiche 202–741–6005
Assistance with Federal agency subscriptions 202–741–6005

#### What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to http://listserv.access.gpo.gov and select:

Online mailing list archives FEDREGTOC-L
Ioin or leave the list

Then follow the instructions.

# What's NEW!

Regulations.gov, the award-winning Federal eRulemaking Portal

Regulations.gov is the one-stop U.S. Government web site that makes it easy to participate in the regulatory process.

Try this fast and reliable resource to find all rules published in the *Federal Register* that are currently open for public comment. Submit comments to agencies by filling out a simple web form, or use available email addresses and web sites.

The Regulations.gov e-democracy initiative is brought to you by NARA, GPO, EPA and their eRulemaking partners.

Visit the web site at: http://www.regulations.gov



# Contents

# Federal Register

Vol. 69, No. 41

Tuesday, March 2, 2004

# Agricultural Marketing Service

### PROPOSED RULES

Milk marketing orders:

Northeast and other marketing areas, 9763-9771

# **Agriculture Department**

See Agricultural Marketing Service

See Animal and Plant Health Inspection Service

See Farm Service Agency

See Forest Service

See Natural Resources Conservation Service

#### **NOTICES**

Emergency declarations:

Texas; avian influenza; broiler chickens, 9793

# Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Cattle from Mexico; importation into U.S. prohibited due to tuberculosis, 9749-9750

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle-

State and area classifications, 9747-9749

Plant-related quarantine, foreign:

Unshu oranges from Honshu Island, Japan, 9743-9744

Agency information collection activities; proposals, submissions, and approvals, 9793-9794

Meetings:

Veterinary biological products; manufacture, distribution, and use, 9794-9795

# **Coast Guard**

#### NOTICES

Reports and guidance documents; availability, etc.: Navigation aids-

Local notices to mariners; distribution methods changes, 9837

# **Commerce Department**

See International Trade Administration See National Oceanic and Atmospheric Administration

# Comptroller of the Currency

Agency information collection activities; proposals, submissions, and approvals, 9896-9897

# **Defense Department**

Agency information collection activities; proposals, submissions, and approvals, 9812-9813

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 9813

#### **Education Department**

#### NOTICES

Grants and cooperative agreements; availability, etc.: Indian education programs-

Indian Children Program, 9817-9820

# Professional Development Program, 9813-9817

### **Employee Benefits Security Administration** PROPOSED RULES

Employee Retirement Income Security Act:

Fiduciary responsibility; automatic rollover safe harbor, 9899-9909

Employee benefit plans; class exemptions:

Individual retirement plans pursuant to automatic rollover of mandatory distribution; establishment, investment, and maintenance, 9846-9852

# **Energy Department**

See Federal Energy Regulatory Commission NOTICES

Grants and cooperative agreements; availability, etc.: Hydrogen Safety, Codes and Standards Program, 9820

National Energy Technology Laboratory-

Innovations for Existing Plants Program, 9820-9821 Technologies development for assurance of U.S. energy infrastructure, 9821–9822

# Meetings:

Environmental Management Site-Specific Advisory Board-

Oak Ridge Reservation, TN, 9822

Paducah Gaseous Diffusion Plant, KY, 9822-9823

# **Environmental Protection Agency**

# RULES

Air programs:

Stratospheric ozone protection-

Significant New Alternatives Policy (SNAP) Program; CFC-12 substitute petition determination, 9754-9755

# PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:

Texas, 9776-9780

Water supply:

National primary drinking water regulations— Long Term Enhanced Surface Water Treatment Rule,

Surface Water Treatment Rule, etc.; corrections and clarification, 9781-9790

# **NOTICES**

Meetings:

Placement of coal combustion byproducts in coal mines and at surface impoundments and landfills, including non-coal mine sites; listening sessions, 9825-9826

### Superfund program:

Prospective purchaser agreements—

Broderick Wood Products Site et al., CO; correction, 9826-9827

### Farm Service Agency

#### **RULES**

Special programs:

Tree Assistance Program, 9744-9747

#### **Federal Aviation Administration**

**RUIFS** 

Airworthiness directives:

Mitsubishi Heavy Industries, Ltd.; correction, 9750–9753

Exemption petitions; summary and disposition, 9894-9895

# **Federal Communications Commission**

PROPOSED RULES

Digital television stations; table of assignments:

Florida, 9790

Radio stations; table of assignments:

Maryland, 9790-9791

Television stations; table of assignments:

Florida, 9791-9792

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 9827–9828

# **Federal Emergency Management Agency**

**RULES** 

Flood insurance; communities eligible for sale:

Various States, 9755–9758

**NOTICES** 

Agency information collection activities; proposals, submissions, and approvals, 9837–9838

# **Federal Energy Regulatory Commission**

NOTICES

Meetings; Sunshine Act, 9823-9825

# **Federal Reserve System**

**NOTICES** 

Banks and bank holding companies:

Change in bank control, 9828

Formations, acquisitions, and mergers, 9828

### Fish and Wildlife Service

**NOTICES** 

Grants and cooperative agreements; availability, etc.: Private Stewardship Program, 9838–9839

# **Food and Drug Administration**

**RULES** 

Animal drugs, feeds, and related products: Levamisole powder for oral solution, 9753–9754

### **Forest Service**

NOTICES

Environmental statements; notice of intent: Dixie National Forest, UT, 9795–9798

Meetings:

Resource Advisory Committees—

Snohomish County, 9798

Willamette Provincial Advisory Committee, 9798

# **General Services Administration**

**NOTICES** 

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 9813

# **Geological Survey**

**NOTICES** 

Agency information collection activities; proposals, submissions, and approvals, 9839–9840

# **Health and Human Services Department**

See Food and Drug Administration

See National Institutes of Health

# **Homeland Security Department**

See Coast Guard

See Federal Emergency Management Agency

# Housing and Urban Development NOTICES

Grants and cooperative agreements; availability, etc.:

Mortgage Review Board; administrative actions [Editorial Note: The page number for this document was missing from the Friday, February 27, 2004 Federal

**Register** Table of Contents. The correct page number is 9351.l

# **Interior Department**

See Fish and Wildlife Service

See Geological Survey

See National Park Service

# **Internal Revenue Service**

PROPOSED RULES

Income taxes:

Corporate reorganizations; asset and stock transfers; transaction requirements, 9771–9774

**NOTICES** 

Reports and guidance documents; availability, etc.:

Art Advisory Panel; 2003 closed meetings, 9897

# **International Trade Administration**

NOTICES

Antidumping:

Electrolytic manganese dioxide from—

Various countries, 9799-9800

Freshwater crawfish tail meat from-

China, 9800-9804

Glycine from-

China, 9804-9809

# **International Trade Commission**

**NOTICES** 

Import investigations:

Frozen or canned warmwater shrimp and prawns from— Various countries, 9842

Plastic grocery and retail bags, 9843

Recordable and rewritable compact discs, 9843-9844

## **Labor Department**

See Employee Benefits Security Administration
See Occupational Safety and Health Administration
NOTICES

Agency information collection activities; proposals, submissions, and approvals, 9844–9845

International Labor Affairs Bureau:

Mexico; United Students Against Sweatshops and Centro de Apoyo al Trabajador; Submission No. 2003-01 Hearing, 9845–9846

# **Maritime Administration**

**RULES** 

Merchant Marine training:

Merchant Marine Academy and State maritime academy graduates; service obligation requirements, 9758– 9759

# National Aeronautics and Space Administration NOTICES

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 9813

# National Archives and Records Administration

Agency information collection activities; proposals, submissions, and approvals, 9854–9855

Meetings:

Electronic Records Policy Working Group, 9855–9856

# National Institutes of Health

Grants and cooperative agreements; availability, etc.: NIH Director's Pioneer Award Program, 9829–9830

Novel endotracheal tube cleaning system and improved endotracheal tube design and conditions for use; research and development, 9830–9831

Inventions, Government-owned; availability for licensing, 9831

Meetings:

Conflict of Interest Blue Ribbon Panel, 9831

National Human Genome Research Institute, 9831–9832

National Institute of Child Health and Human

Development, 9832–9833

National Institute of General Medical Sciences, 9832–9834

National Institute of Mental Health, 9834

Scientific Review Center, 9834–9837

# National Oceanic and Atmospheric Administration RULES

Marine mammals:

Commercial fishing authorizations; incidental taking— Atlantic Large Whale Take Reduction Plan, 9760–9762 Taking and importation—

Definitions; correction, 9759–9760

# NOTICES

Endangered and threatened species:

Eastern North Pacific southern killer whales; status review, 9809–9810

Marine mammals:

Taking and importation—

Vandenberg Air Force Base, CA; rocket and missile launches; seals and sea lions, 9810–9811

Meetings:

Gulf of Mexico Fishery Management Council, 9811 Mid-Atlantic Fishery Management Council, 9811–9812 Science Advisory Board, 9812

#### **National Park Service**

NOTICES

National Register of Historic Places: Pending nominations, 9840–9842

### **National Science Foundation**

NOTICES

Committees; establishment, renewal, termination, etc.: International Arctic Research Center Oversight Council, 9856

# National Transportation Safety Board

NOTICES

Meetings; Sunshine Act, 9856

# Natural Resources Conservation Service

Field office technical guides; changes:

Indiana, 9798-9799

Meetings:

Agricultural Air Quality Task Force; correction, 9799

# **Nuclear Regulatory Commission**

**NOTICES** 

Environmental statements; availability, etc.:

South Carolina Electric & Gas Co., 9856-9857

Meetings; Sunshine Act, 9857

Operating licenses, amendments; no significant hazards considerations; biweekly notices, 9857–9871

# Occupational Safety and Health Administration NOTICES

Agency information collection activities; proposals, submissions, and approvals, 9852–9854

# Saint Lawrence Seaway Development Corporation PROPOSED RULES

Seaway regulations and rules:

Tariff of tolls, 9774–9776

# **Securities and Exchange Commission** NOTICES

Investment Company Act of 1940:

Metropolitan Life Insurance Co. et al., 9871–9880 Real Estate Income Fund Inc. et al., 9880–9882

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 9882–9886 Fixed Income Clearing Corp., 9886–9888

New York Stock Exchange, Inc., 9888–9892

# **Small Business Administration**

**NOTICES** 

Disaster loan areas:

Pennsylvania, 9892

 $Applications,\ hearings,\ determinations,\ etc.:$ 

MidMark Capital II, L.P., 9892

# **State Department**

NOTICES

Meetings:

Shipping Coordinating Committee, 9892-9893

# **Tennessee Valley Authority**

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 9893–9894

#### **Transportation Department**

See Federal Aviation Administration

See Maritime Administration

See Saint Lawrence Seaway Development Corporation NOTICES

Aviation proceedings:

Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 9894

# **Treasury Department**

See Comptroller of the Currency See Internal Revenue Service

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 9895

Fair and Accurate Credit Transactions Act of 2003: Identity theft; use of biometrics and other similar technologies to reduce incidence and costs to society; comment request, 9895–9896

# Separate Parts In This Issue

### Part II

Labor Department, Employee Benefits Security Administration, 9899–9909

### **Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

# CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR	
319	
783 Proposed Rules:	9744
1000	9763
1001	9763
1005 1006	
1007	
1030	9763
1032 1033	
1124	
1126	
1131	9763
<b>9 CFR</b> 78	0747
93	
14 CFR	
39	9750
21 CFR	
520	9753
26 CFR	
Proposed Rules:	
1	9771
29 CFR	
Proposed Rules:	0000
2550	9900
33 CFR	
Proposed Rules: 402	9774
40 CFR	3114
82	9754
Proposed Rules:	
52	
141 142	
	9/01
<b>44 CFR</b> 64	9755
46 CFR	0.00
310	9758
47 CFR	
Proposed Rules:	
73 (3 documents)9790,	9791
50 CFR	
216	
229	9/60